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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,156	09/16/1999	R. ERIC MONTGOMERY	1910/174	9712

7590 12/04/2001

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EXAMINER

LEVY, NEIL S

ART UNIT	PAPER NUMBER
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1616

DATE MAILED: 12/04/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1616

Receipt is acknowledged of Request for Time, RCE, and Response of 9/28/01 each.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 6, 8, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho et al JP 63236847.

Translation; see working embodiments 1 and 2; the instant cetyl pyridinium chloride, with negative carrier, gelatin, at the instant ration (see Example, p. 5, 6 of instant specification: 24g to 5#). The fourth page of translation states up to 10 parts active in coating may be used (paragraph 3). The second embodiment provides alkali salt (Na) of saccharine--clearly a replacement for the sugar in embodiment one suitable for those dogs wishing to reduce caloric intake. However, no patentable weight is given to future intended chewing by dogs, or animals other than human. Since the same ingredients and concentrations are used as instantly claimed, inherently the same effects are obtained.

Applicant's arguments filed 9/28/01 have been fully considered but they are not persuasive. Applicant's response/arguments have been considered, and are persuasive, but see new rejection (reference supplied in parent case) applicable now to the broadened claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is (703) 308-2412. The examiner can normally be reached on Tuesday to Friday from 7:00 am to 5:30 pm.

Art Unit: 1616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees, can be reached on (703) 308-4628. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Levy:mv

November 29, 2001



NEIL S. LEVY
JURY EXAMINER